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15. Claims 176-183, 193-198, 200-207, 209-217, 219-225, 227-233 and 237-323 remain rejected under 35 U.S.C. § 102(a) as being fully met by Japanese patent 55-16044 or 56-2336.

Applicants earliest filed US application SN 070,503, filed August 28, 1979, was essentially based on a translation of their earlier filed French application which was filed August 29, 1978. The Exhibit B forming part of applicants response "Attachment to Preliminary Amendment" accompanying paper no. 63 in parent application 07/633,187 filed December 28, 1990 corresponds to said translation. Said applications (French and applicants US filed application 070,503) were completely devoid of any reference to organotin-halide bonded stabilizers, whether further bonded to a mercapto radical or not. The disclosures do not relate any allusion thereto. More specifically applicants first reference thereto is their application SN 254,313 filed April 15, 1981 which proceeds these references' publications (December 1980 and January 1981). Since the Fourie declaration relied upon (Exhibit B in the paper dated February 1989 entitled "Exhibits to Preliminary Amendment and Information Disclosure Statement", an attachment to paper #51) makes no reference to the organotin (mercapto acid ester) (halide) compounds of these references but

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rather to organotin mercapto acid esters, devoid of a Sn-halide linkage, supplemented with an alkyl tin halide compound, devoid of any Sn-S radicals, applicants had clearly not established that they had reduced to practice "so much of the claimed invention as the reference disclose" according to the dicta set forth in In re Stempel 241 F. 2d 755, 113 USPQ 77 (CCPA 1957).

16. Claims 176, 183, 237 to 246, 247-254, 261-272, 279-287 and 295 remain rejected under 35 U.S.C. § 102(a) as being fully met by Kugele (114) for the reasons of record.

At page 8, line 25 of the parent application SN 253,313 filed April 15, 1981, of which this application is a continuation, applicants relates that a mercapto group inter alia eighteen other possible radicals may form a substituent on the R² moiety forming the hydrocarbyl acid derived portion of the molecule depicted at line 7. None of the proffered declarations (Foure, Mendelsohn, Chenard, Rakita or Larkin) relate that it was known to utilize a mercapto alkanol ester of a mercapto carboxylic acid as the co-stabilizer with an organotin mercapto acid ester halide as Kugele made. Indeed the clear import of applicants tenor was to provide mercapto radical(s) solely in the alcohol derived portion of the molecule as an alleged improvement

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over the solely hydrocarbyl alkyl esters of the corresponding mercapto-acids. Applicants provide no enabling disclosure for this genus.

17. Claims 193-198 and 237-295 remain rejected under 35 U.S.C. § 102(a) as being fully met by Bresser et al. (486) and Bresser et al. (984) for the reasons of record.

Applicants did not teach either (1) the use of a combination of organotin mercapto compounds with the mercapto alkanol - derived carboxylic acid esters, as evinced by Bresser's (486) disclosure or (2) the bis organotin sulfide or oxide compound of Bresser (984) in combination with the mercapto alkanol-derived carboxylic acid ester. No support is found for this combination in any of applicants applications. Patent applications' disclosures must provide specific combinations for which coverage is sought.

18. Claims 176-183, 193-198, 200-207, 209-217, 219-225, 227-233 and 237-323 remain rejected under 35 U.S.C. § 103 as being unpatentable over Gough et al. in view of Stapfer, Hechenbleikner et al. (129 and 527), Wowk, Shroeder et al., Weinberg et al. (750) and Kauder et al. (915) for the reasons of record.

The Gough patent, published nearly three years (1975) prior to applicants earliest French-filed application (1978) on which priority has been requested, equated mercapto alkanol - derived carboxylic acid esters with the hydrocarbyl-derived mercapto acid esters as synergists for organotin borates. The teaching in the comparative examples (Tables I and III) clearly relate organotin mercapto acid esters superiority to the organotin borate per se. There is plausible basis, nor has applicants revealed any, why the routineer in this art would not expect the superior tin stabilizer to be similarly benefitted by the mercapto compound's presence as was the organotin borate given the organotin mercapto acid esters recognized superiority.

Applicants, in their April 15, 1981 filed application SN 254,313 of which this application is a continuation, for the first time, attempted to document alleged unexpected results as compared to the alkanol-derived mercapto acid esters' use. The data is ambiguous and too limited. On page 32 stearyl mercapto acetate's conjoint use with the same butyl tin tris isooctyl mercapto acetate co-stabilizer permitted 20 minutes time to discolor as compared to the subject application's 2-mercaptoethyl stearate's (both within Gough's teaching) performance of 25

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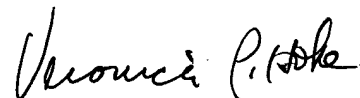
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minutes. The preceding text relates that the former compound (underlined supra) actually provided protection for only 10 minutes. Aside from the inconsistency, which renders dubious all the data given, this single comparison is too limited to support unobviousness given the broad genus of both type mercapto containing acid esters and numerous enumerated species within each genus which Gough teaches synergizes.

19. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.



VERONICA P. HOKE
PRIMARY EXAMINER
ART UNIT 159B

V. Hoke:cb
September 08, 1993
September 09, 1993